

in said deed, the Southern part of the tract of which the land in controversy was the Northern part. ~

Answer. ~ Waived as to this Witness. ~

4th Sub. Was or not the land they the Complainants had in possession the same they then claimed and now claim?

Answer. Waived as to this Witness. ~

Gideon Bussard, a witness of lawful age produced on the part of the Defendants, and being duly sworn and examined to special interrogatories filed with the Commissioner and herewith returned, deposes and says, that to wit say.

1st Sub. ~ Do you know the parties to this suit or any of them and which of them? Do you know Josiah L Warrenfelz? If yes, state how long you have known him and each of them? ~

Answer ~ I know the parties and have known them for some time.

2nd Sub. State if you had or heard any conversation with Thomas Claggett and Josiah L Warrenfelz or either and which of them, relative to the land in controversy and the sale thereof? And if so, state fully what was said upon the subject? ~

Answer. ~ Waived as to this witness. ~

3rd Sub. State what reservation, if any, Thomas Claggett made at the time you bought of him the land specified in the deed from said Claggett to you here shown you marked Exhibit C B? Was or not the land embraced in said deed, the Southern part of the tract of which the land in controversy was the Northern part? ~

Answer ~ At the time the deed for my land was made, Claggett said, if the Easterns exacted the land they had in possession I was to give that part up. They had in possession part of land embraced in deed to me. They were in possession of the lands North of the dotted line from ~~A~~ to D marked on the plat and that part I was to give back if they exacted it. It was in dispute then already. They have not the Tobacco house in possession.

4th Sub. ~ Has or not the land, they the Complainants had in possession, the same they then claimed and now claim?

Answer ~ Waived as to this witness. ~

James O Eastaday a witness of lawful age, produced on the part of the Defendants, and being duly sworn and examined to special interrogatories filed with the Commissioner and herewith returned, deposes and says, that is to say, ~

1st Sub. ~ Do you know the parties to this suit? If yes, how long?

Answer ~ I know all the parties. I am one of the Defendants. ~

2nd Sub. State if you know, all the facts in relation to the purchase of the land in controversy, of whom and by whom purchased, and what lands were purchased, and what lands were purchased, how they were to be paid off, and all that occurred between you and Claggett or Josiah L Warrenfelz on the subject? ~

Answer. ~ My brothers and I came to town. We all then went down to the property, Warrenfelz with us. He showed us the property. We did not purchase there.

A short time after John and I went down with Warrenfelz. He showed us the property again. He looked to see if there was a sawmill seat on it. If there had been no sawmill seat on it, we would not have bought it.

We ascertained that there was a sawmill seat on the sixty eight and one half acres (68 1/2) We stripped the property off one hundred and thirty eight and one half acres (138 1/2) to see near what the center of the property